



**OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN**

**GERALD C. MANN
ATTORNEY GENERAL**

**Honorable W. Lee O'Daniel
Governor of Texas
Austin, Texas**

Dear Sir:

**Opinion No. O-2995
Re: The proper disposition
of claim for reward of-
fered for the apprehension
of Howard Pierson.**

**The documents enclosed with your letter of December
27, 1940, reveal the following:**

**On the 29th day of June, 1940, you, as Governor of
Texas, offered a reward of Two Hundred and Fifty (\$250.00)
Dollars for information leading to the apprehension of Howard
Pierson, a reward payable on condition of information leading
to the delivery of Howard Pierson to a proper officer of the
Department of Public Safety of the State of Texas within six
(6) months from such date.**

**It appears that on October 11, 1940, at 2:30 P. M.
at Second Avenue South and Third Street in the City of Minneapolis,
Minnesota, Howard Merit Pierson was arrested by Captain of De-
tectives, C. E. McLaskey, without any other person's assistance;
and that on or about October 17, 1940, pursuant to a writ of extra-
dition issued by you on the 11th day of October, 1940, Howard
Merit Pierson was delivered to Ranger Sergeant Ernest Best and
Texas Ranger H. W. Collins, who brought him from Minnesota to
Texas and delivered him to the Sheriff of Travis County, Texas.**

**Captain McLaskey has made claim for the reward of
\$250.00 in a letter dated December 15, 1940, supported by af-
fidavit of Frank P. Forestal, Superintendent of Police, City
of Minneapolis, and a letter from Homer Garrison, Jr., Director,
Department of Public Safety, Austin, Texas. You ask the opin-
ion of this department as to the proper disposition of this
matter.**

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Article 1007, Code of Criminal Procedure of Texas, provides:

"The Governor may offer a reward for the apprehension of one accused of a felony in this State who is evading arrest, by causing such offer to be published in such manner as he deems most likely to effect the arrest. The reward shall be paid out of the State Treasury to the person who becomes entitled to it upon a certificate of the Governor reciting the facts which entitle such person to receive it."

While the documents enclosed with your letter, as well as your letter itself, indicate that the claim of Captain McLaskey is the only one which has been filed, and while they indicate that the arrest of Pierson was made by McLaskey without any assistance, they do not negative the fact that McLaskey may have made the arrest upon information furnished him by some other party, leading to the apprehension of Pierson by McLaskey, so that a claim may later be made by such person claiming to have furnished such information. It is suggested that you have Captain McLaskey present his claim in affidavit form, certifying, in addition to the facts of arrest as already stated in the letter, whether or not he made the arrest pursuant to information leading thereto furnished him by some other person.

When this information has been furnished, if it should appear that Captain McLaskey acted alone in the matter, and the Governor should be of the opinion, from the information furnished him, that he is entitled to receive the reward, the provisions of Article 1007 should be followed. That is, a certificate should be prepared for the signature of the Governor reciting the facts concerning the offering of the reward and the facts, which, in the opinion of the Governor, entitle Captain McLaskey to receive the reward, this certificate to be presented to the Comptroller, upon which he may issue the warrant.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED JAN 8, 1941

George B. Mann

ATTORNEY GENERAL OF TEXAS

RWF:EP

By

Richard W. Fairchild

Richard W. Fairchild
Assistant

